

IN SENATE OF THE UNITED STATES.

JANUARY 12, 1849.

Ordered to be printed.

MOTION

Intended to be made by Mr. BENTON to recommit the bill (S. 336) for ascertaining claims and titles of lands within the territory of California and New Mexico, to grant donation rights, and to provide for the survey of the lands therein, to the Committee on Public Lands, with

INSTRUCTIONS

To inquire into, the expediency of reporting a bill for ascertaining the public and unappropriated lands in the territory of California, and for surveying and selling the same, and for granting donations to actual settlers, and permits to work the gold mines; and for that purpose to provide—

First. For the appointment of a recorder of land titles, who shall have the custody of all the public archives in relation to the disposition of the public lands, and shall record all the grants and all claims that shall be discovered or made known to him, and shall make two abstracts of the same, one to be transmitted to the General Land Office in Washington city, the other to be delivered to the surveyor general of California, that he may lay down the grants and claims on a map to be retained in his office, and of which map a copy to be transmitted to the General Land Office, and another to be filed with the recorder of land titles in California.

Second. To provide for the ascertainment of invalid grants, or possessions, by authorizing a *scire facias* to be issued from the United States district court against the party in possession, to come in and hear the objections to his claim, and to show cause why the grant should not be annulled, or the possession vacated; in every case in which the recorder of land titles, upon consultation with the district attorney, or by orders from the General Land Office, shall be so instructed, shall be of opinion that the same is not valid under the treaty with Mexico, the law of nations, and the decisions of the Supreme Court of the United States—the decision of the district court to be final, if against the United States, in all cases where the land in question shall be worth less than \$5,000. But no *pueblo* or *rancheria* Indians to be disturbed in their possessions without special orders from the general government.

Third. To provide for the appointment of a surveyor general, and for the establishment of three land offices.

Fourth. To provide for donations of land to actual settlers, heads of families, widows, and single men over 18 years of age, and an allowance

of land for children under 18 years of age, and for the wife in her own right, according to the provisions of the bill proposing donations to settlers in Oregon, which passed the Senate January 3, 1843.

Fifth. To provide for preserving order in working gold mines, by appointing an agent to grant permits for working small lots, and settling summarily, and on the spot, all questions of boundary or interference among the diggers; the said permits to continue in force while the lot is worked by the person receiving it, and to be limited to—feet square.

MOTION

Intended to be made by Mr. Benton to recommend the bill (S. 336) for ascertaining claims and titles of lands within the territory of California and New Mexico, to grant donation rights, and to provide for the survey of the lands therein, to the Committee on Public Lands, with

INSTRUCTIONS

To inquire into the expediency of reporting a bill for ascertaining the public and unappropriated lands in the territory of California, and for surveying and selling the same, and for granting donations to actual settlers, and permits to work the gold mines; and for that purpose to provide—

First. For the appointment of a recorder of land titles, who shall have the custody of all the public archives in relation to the disposition of the public lands, and shall record all the grants and all claims that shall be discovered or made known to him, and shall make two abstracts of the same, one to be transmitted to the General Land Office in Washington city, the other to be delivered to the surveyor general of California, that he may lay down the grants and claims on a map to be retained in his office, and of which map a copy to be transmitted to the General Land Office, and another to be filed with the recorder of land titles in California.

Second. To provide for the ascertainment of invalid grants, or possessions, by authorizing a series of actions to be issued from the United States district court against the party in possession, to come in and hear the objections to his claim, and to show cause why the grant should not be annulled or the possession vacated; in every case in which the recorder of land titles, upon consultation with the district attorney, or by others than the General Land Office, shall be so instructed, shall be of opinion that the same is not valid under the treaty with Mexico, the law of nations, and the decisions of the Supreme Court of the United States, in all cases where the land in question shall be worth less than \$500. But no grants or possessions shall be disturbed in their possessions with out special orders from the General Government.

Third. To provide for the appointment of a surveyor general, and for the establishment of three land offices.

Fourth. To provide for donations of land to actual settlers, heads of families, widows, and single men over 18 years of age, and an allowance